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UNUM PROVIDENT CORPORATION and
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INSURANCE COMPANY

E-FILED ON 7/5/05

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

CYNTHIA MENDEZ,

Plaintiff,

vs.

UNUM PROVIDENT CORPORATION;
PROVIDENT LIFE & ACCIDENT
INSURANCE COMPANY,

Defendants.

Case No. C04 01312 JW

**STIPULATED REQUEST FOR AN
ORDER SHORTENING TIME FOR
A MOTION FOR PROTECTIVE
ORDER REGARDING STEPHEN
PRATER'S EXPERT DEPOSITION
FEE**

AND ORDER

Plaintiff Cynthia Mendez and defendants UnumProvident Corporation and Provident Life & Accident Insurance Company, through their counsel of record, stipulate to an order shortening time for the Court to hear a motion for a protective order regarding Stephen Prater's demand to be paid \$485 per hour for deposition testimony (or \$550.00 if videotaped).

This stipulated request for an order changing time is made pursuant to LR 6-2. Plaintiff designated Stephen Prater as an "expert in insurance claims handling procedures." Defendants believe Prater's hourly deposition rate is not reasonable as required by FRCP 26. Plaintiff does not agree with defendants' contention.

The parties previously stipulated to continue the discovery cut-off date to take the deposition of Stephen Prater. The deposition of Prater will be scheduled for late July 2004. Granting this stipulated request will not affect the schedule for the case.

Defendants request to have a motion for protective order heard before the deposition. In this manner, the court may determine what constitutes a reasonable fee for this expert's deposition before the deposition commences.

The parties agree that defendants's motion for protective order may be heard on either July 12 or July 26, 2005. Mr. Rubin requests permission to attend the hearing telephonically.

KELLY, HERLIHY, & KLEIN LLP

Dated: June 30, 2005

By John T. Burnite
John T. Burnite
Attorneys for Defendants
UNUMPROVIDENT CORPORATION and
PROVIDENT LIFE & ACCIDENT
INSURANCE COMPANY

BOHN & BOHN

Dated: June __, 2005

By: Robert Bohn
Robert Bohn
Attorney for Plaintiff
CYNTHIA MENDEZ

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KELLY, HERLIHY, & KLEIN LLP

Dated: June 30, 2005

By

John T. Burnite

Attorneys for Defendants

UNUMPROVIDENT CORPORATION and
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INSURANCE COMPANY

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By

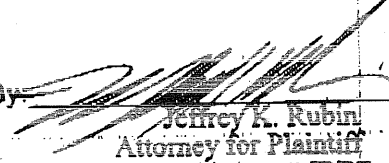
Robert Bohn

Attorney for Plaintiff
CYNTHIA MENDEZ

FRIEDMAN, RUBIN & WHITE

Dated: June 30, 2005

By:


Jeffrey K. Rubin
Attorney for Plaintiff
CYNTHIA MENDEZ

ORDER

In consideration of the stipulated request for an order shortening time, it is hereby ordered

that:

Defendants' motion for protective order regarding a reasonable fee for Stephen D. Prater's deposition is scheduled for hearing on July 26, 2005, 10:00 a.m. in Courtroom 2. Mr. Rubin may attend by telephone. The motion shall be filed and served on July 8, 2005; any opposition is due July 12, 2005; any reply is due on July 15, 2005.

IT IS SO ORDERED.

Dated: ~~XXXX~~ July 5, 2005

/s/ Howard R. Lloyd
Magistrate Judge of the United States District Court
Northern District of California

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STIPULATED REQUEST FOR AN ORDER SHORTENING TIME FOR A MOTION FOR PROTECTIVE ORDER
RE EXPERT WITNESS FEE